Petitioners

the c/l of Willow Green Lane (1969 Sue Creek Drive) 15th Election District 5th Councilmanic District

DEPUTY ZONING COMMISSIONER

Ronald E. Eyler, et ux

\* Case No. 93-311-A

\* OF BALTIMORE COUNTY

\* \* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Ronald E. and Patricia A. Eyler. The Petitioners request relief from Sections 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 1-1.3a of the Zoning Commissioner's Policy Manual to permit a side yard setback of 11 feet in lieu of the required 25 feet and a rear yard setback of 28 feet in lieu of the required 30 feet for a proposed one-story garage addition, in accordance with the Revised Drawing, identified as Petitioner's Exhibit 1.

It should be noted that the original plan submitted by the Petitioners proposed that the subject garage addition be placed on the southwest side of the existing dwelling. However, in an effort to comply with the Office of Planning and Zoning's comments, dated April 13, 1993, the Petitioners reconfigured the garage and submitted a revised site plan, marked Revised Drawing, which has been identified herein as Petitioner's Exhibit 1.

It should also be noted that the subject property is located within the Chesapeake Bay Critical Areas near Sue Creek. As such, the relief sought is subject to any recommendations made by the Department of

Environmental Protection and Resource Management (DEPRM), as to compliance with Critical Areas legislation.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1, 307.2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

- 2-

of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesa-

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands:
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of April, 1993 that the Petition for Administrative Variance requesting relief from Sections 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 1-1.3a of the Zoning Commissioner's Policy Manual to permit a side yard setback of 11 feet in lieu of the required 25 feet and a rear yard setback of 28 feet in lieu of the required

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In accordance with Section 500.14 of the B.C.Z.R., the Director peake Bay Critical Areas requirements to:

permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

30 feet for a proposed one-story garage addition, in accordance with the Revised Drawing, identified herein as Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated April 14, 1993, attached hereto and made a part hereof

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Coproco TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bis

**Baltimore County Government** Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

CENTED FOR

(410) 887-4386

April 30, 1993

Mr. & Mrs. Ronald E. Eyler 1969 Sue Creek Drive Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S Sue Creek Drive, 25' W of the c/l of Willow Green Lane (1969 Sue Creek Drive) 15th Election District - 5th Councilmanic District Ronald E. Eyler, et ux - Petitioners Case No. 93-311-A

Dear Mr. & Mrs. Eyler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

> Very truly yours, Deputy Zoning Commissioner

for Baltimore County

cc: Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

People's Counsel

ITEM #: 515

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affant(s) and that Affant(s) in/hre competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1969 Sue Creek Drive Baltimore, MD

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (natosts hardship or practical difficulty) ADDITION: 1. Applicants expecting another child and needs additional living space. 2. Applicants financially not able to pruchase larger home. 3. Granting variance does not increase residential density and strict compliance with zoning requirements creates undo hardship. GARAGE: Owners notified after purchase of home by Owners Assoc. that

3. Covenants allow attached storage facilities and garages but extra large side yard setback requirements prohibit use of property.

I HERRBY CERTIFY, this 15 day of MARCH of Maryland, in and for the County aforesaid, personally appeared BEFORE ME

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief. AS WITNESS my hand and Notorial Seel

KATTILEENE L. GARCIA

ZONING DESCRIPTION FOR 1969 Sue Creek Drive Beginning at a point on the South side of Sue Creek (north, south, east or west) DRIVE

(street on which property fronts) which is 50 Feet

(number of feet of right-of way width) wide at a distance of 25 Feet WEST of the (number of feet) (north, south, east or west)

EXAMPLE 3 - Zoning Description - 3 copies

description. Use this fill-in format provided whenever possible; otherwise, type or

Three copies are required. Copies of deeds cannot be used in place of this

93-311-A

centerline of the nearest improved intersecting street Willow Green Lane (name of street) which is 50 Feet (number of feet of right-of-way width) wide. \*Being Lot # 45 Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of Sue Creek Landing (Plat 2) as recorded in Baltimore County Plat (name of subdivision)

Book # 48 , Folio # 007 , containing 9097 S4 FT OR 0,21 ACRES (square feet and acres)

> \*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

ITEM #315

CRITICAL AREA

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 1969 Sue Creek Drive

which is presently sound DR5-5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached The undersigned, legal owner(s) or the property sequence in Description of the United Section (s) 1802.3.C.1 1-1.3a ZOPM

To permit a side yard setback of 11' in lieu of the required 25' and a rear yard setback of 28' in lieu of the required 30'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Addition: 1. Applicants expecting another child and needs additional living space. 2. Applicants financially not able to purchase larger home. 3. Granting variance does not increase residential density and strict compliance with zoning requirements creates undo hardship. GARAGE: 1. Owners notified after purchase of home by Owners Assoc. that existing storage shed was in violation of covenants. 2. Owners store tools lawn equipment, etc. in shed with no other place to store them. Property is to be posted and advertised as prescribed by Zoning Regulations.

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(a) of the property which is the subject of this Petition. RONALD EARL EYLER Ronald Earl Eyler

Patricia A Eyler

P.O. Box 28321 668-7989 Baltimore, MD 21234

- 3-

tools, lawn equipment, etc. in shed and would have no place for them/

NOTARY PUBLIC STATE OF MARYLAND

existing storage shed was in violation of covenants. 2. Owners store

My Commission Espire 2/5/96

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

1969 Sue Creek Drive 391-8768

Mike Burton

CRLTICAL AREA

# TOWNS DEPARTMENT OF BALTIMORE COUNTY Tourse, Maryland

93-311-A

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Posted for:	Roxels4 Patrice	ia Eylor	Date of Posting 3/31/93
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Baltimore County
Zoning Administration &
Development Management
III West Chesapeake Avenue
Towson, Maryland 21204

H9300315

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## Paid per hand-written receipt dated 3/15/93

3/15/93 PUBLIC HEARING FEES

010 -ZONING VARIANCE (IRL)

080 -FOSTING SIGNS / ADVERTISING 1 X LAST NAME OF OWNER: EYLER

#### Please Make Checks Payable To: Baltimore County

Cashier Validation

BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: April 13, 1993

SUBJECT: 1969 Sue Creek Drive

INFORMATION

Item Number: Petitioner:

Hearing Date:

Zoning:

### SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff noted that the homeowners association contacted the petitioner regarding a violation of covenants concerning the location of a storage shed. The proposed addition, garage, and driveway raises some design related concerns and will probably result in some community interest as

Staff recommends that the plan be revised to lessen the visual impact of the additions and to ensure compatibility with the built environment of the neighborhood. Rather than have the garage as placed on the plan, with the open door and drive on Willow Green Lane (facing another community and an access road to more homes), staff suggests that the garage be turned 90 degrees, so that the opening would face the back of the property. The driveway could be curved from Willow Green Road to meet the newly configured placement of the garage.

This slight alteration, along with some landscaping to enhance the addition, would be much more in keeping with the surrounding general design of the neighborhood, and would be more in keeping with the wooded area along Willow Green Lane.

315.ZAC/ZAC1

Pg. 1

315.ZAC/ZAC1

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MISCELLANEOUS CASH RECEIPT

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Should the Zoning Commissioner agree, staff would encourage the applicant to meet with the deputy director of the Office of Planning and Zoning prior to final consideration of this matter.

If there should be any questions, please contact Patricia Beere at 887-3480.

Division Chief: PK/JL: lw

Office of Zoning Administration and Development Management

Baltimore County Government

111 West Chesapeake Avenue

(410) 887-3353

April 12, 1993

Mr. and Mrs. Ronald Eyler 1969 Sue Creek Drive Baltimore, MD 21221

Towson, MD 21204

RE: Case No. 93-311-A, Item No. 315 Petitioner: Ronald Earl Eyler, et ux Petition for Administrative Variance

Dear Mr. and Mrs. Eyler:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

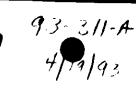
Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on March 15, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Paper

Maryland Degastment of Transportation State Highway Administration



O. James Lighthize Hal Kassoff

3-25-95

Item No.: \* 315 (PT)

Re: Baltimore County Ms. Julie Winiarski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue

Dear Ms. Winiarski:

Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief Engineering Access Permits

My telephone number is 410-333-1350 Teletypewriter for impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

April 7, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management J. Lawrence PilsonO

SUBJECT: Zoning Item #3152 Eyler Property; 1969 Sue Creek Drive Zoning Advisory Committee Meeting of March 29, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

1. The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area regulations. The applicant must submit a Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Section at 887-3980 for details.

JLP:jbm

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EYLER/TXTRMP

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF RECREATION & PARKS

Zoning Advisory Committee Comments relating to agenda of 3/29/93

The Department of Recreation and Parks submits a reply of "NO COMMENT" for the following item numbers:

\* 314, \* 315, + 316, \$ 317, + 319, \$ 320, \* 321, + 322, There are no other items on the agenda aside from the above.

Patrick J. McDougall

INTER-OFFICE CORRESPONDENCE

Mr. Arnold E. Jablon, Director Office of Zoning Administration

and Development Management

DATE: April 14, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 315 Eyler Property Chesapeake Bay Critical Area Findings



3775-93

93.311

#### SITE LOCATION

**\*** \*.

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The subject property is located at 1969 Sue Creek Drive. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

#### APPLICANT'S NAME Ronald E. Eyler

#### APPLICANT PROPOSAL

PRONT & SIDE ELEV.

The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit "a side yard setback of 11 feet in lieu of the required 25 feet and a rear yard setback of 28 feet in lieu of the required 30 feet."

#### GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands:
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

Mr. Arnold E. Jablon April 14, 1993 Page 2

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#### REGULATIONS AND FINDINGS

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams\* <Baltimore County Code Section 26-449(a)>.

<u>Finding:</u> This property is located approximately 500 feet from the tidal waters of Sue Creek. No disturbance of the Shoreline buffer shall occur.

Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs\* <Baltimore County Code, Section 26-447>.

<u>Finding:</u> No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment\* <Baltimore County Code Section 26-452(a)>.

<u>Finding:</u> The applicant agrees to plant woody vegetation in lieu of installing drywells and replace shrubs on a 1:1 basis for those which have to be removed for the proposed garage.

This will bring this property into compliance with the 10%

The following plant material shall be selected from the enclosed list and planted.

> 2 items - ball and burlap Tree list: 1 - 1.5 inch caliper

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

Mr. Arnold E. Jablon April 14, 1993

#### CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal will comply with Chesapeake Bay Critical Area Regulations and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-3980.

JJD: PMF: tmm

EYLER/WOCBCA

111 West Chesapeake Avenue Towson, MD 21204 Ronald and Patricia Eyler 1969 Sue Creek Drive

Baltimore, Maryland 21221

Ro: CASE MRRBER: 93-311-1 (item 315) S/S Sue Creek Drive, 25' W of c/l Willow Green Lene 1969 Sue Creek Drive 15th Election District - 5th Councilmenic Petitioner(s): Ronald Earl Eyler and Patricia &. Eyler

### Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

Baltimore County Government Office of Zoning Administration

and Development Management

(410) 887-3353

MARCH 25, 1993

1) Your property will be posted on or before April 4, 1993. The closing date (April 19, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

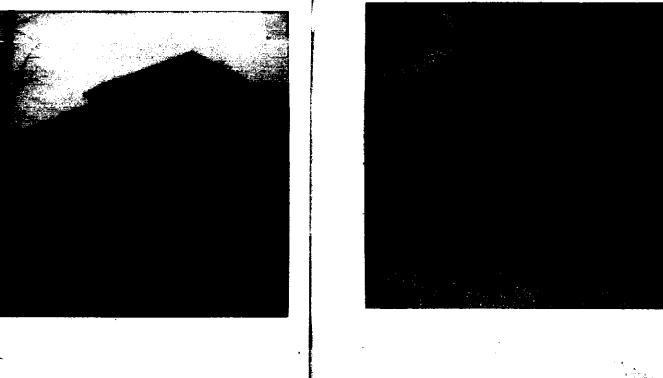
3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



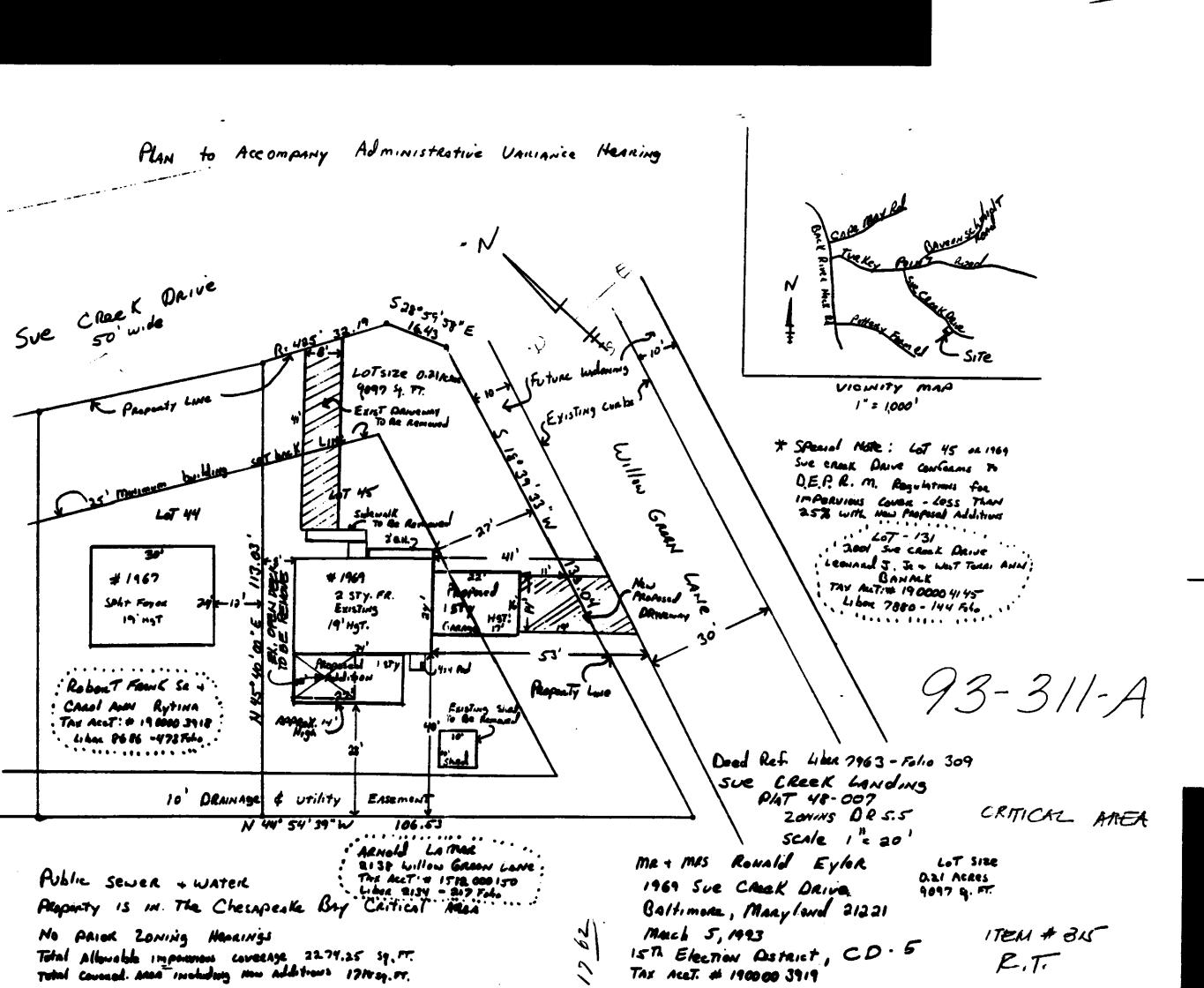
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REAR ELEV.



RIGHT SIDE ELEV. LEFT SIDE ELEV. ITEM # 315

REAR ELEV.



TAX ACET. # 190000 3919

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